

Court of Appeals, State of Michigan

ORDER

Bill Smith Sand & Gravel Inc v Alamo Township

Docket No. 281936

LC No. 07-000399-CZ

Jane E. Markey
Presiding Judge

William B. Murphy

Richard A. Bandstra
Judges

The motion for immediate consideration is GRANTED.

The Court orders that the motion to affirm pursuant to MCR 7.211(C)(3) is GRANTED for the reason that the question to be reviewed is so unsubstantial as to need no argument or formal submission. The circuit court has original jurisdiction over constitutional challenges to a zoning ordinance and claims of inverse condemnation, *Houdini Properties, LLC v City of Romulus*, 480 Mich 1022; 743 NW2d 198 (2008); *Merkur Steel Supply, Inc v City of Detroit*, 261 Mich App 69, 125-127; 680 NW2d 485 (2004); *Livonia Hotel, LLC v City of Livonia*, 259 Mich App 116, 123-124; 673 NW2d 763 (2003); *Sun Communities v Leroy Twp*, 241 Mich App 665, 672; 617 NW2d 42 (2000), and, therefore, the circuit court had jurisdiction to resolve plaintiffs' substantive due process and takings claims by entry of the consent judgment. The circuit court did not abuse its discretion when it denied Intervenor's motion for relief from the consent judgment. *Inverness Mobile Home Community v Bedford Twp*, 263 Mich App 241, 246; 687 NW2d 869 (2004).

The motion to expedite is DENIED as MOOT.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 05 2008

Date

Sandra Schultz Mengel

Chief Clerk